

REMARKS

In accordance with the foregoing, the Title of the Invention and claim 37 has been amended. New claim 41 has been added. Claims 1-41 are pending and under consideration.

The objection to the Specification is overcome by the present amendment to the title of the invention.

The rejection of claims 30 and 31 under 35 U.S.C. § 112 is respectfully traversed.

In the previous Office Action, the Examiner stated that the Specification did not disclose the claimed pickup transferring units being moved sequentially or simultaneously. Accordingly, the Applicant amended the Specification to more clearly describe these features. Thus, the Applicant has satisfied 35 U.S.C. § 112, first paragraph, which requires that the "specification contain a written description of the invention"

The Examiner presently states that the amendments to the specification are not consistent with Fig. 5B, because Fig. 5B in no way indicates the timing of the movement of the transferring units. First, it is noted that 35 U.S.C. § 112, first paragraph does not require that the specification be consistent with the drawings. Instead, this section requires that the specification contain a written description of the invention. This requirement is met, as discussed above.

Also, the Examiner's statement that the previous amendments to the specification are not consistent with the drawings is traversed. Paragraph 38 was previously amended to further describe:

As shown in 5B, the pickup transferring units 20 move towards the shaft 31 to perform the inspection. The pickup transferring units 20 may be moved simultaneously or sequentially.

While the first sentence clearly refers to Fig. 5B, it is noted that the sentence regarding the simultaneous or sequential movement does not make specific reference to Fig. 5B. Moreover, since Fig. 5B clearly illustrates movement of the pickup transferring units 20, the positions of the different pickup transferring units 20 in simultaneous or sequential movement would be apparent to one of ordinary skill in the art based on Fig. 5B.

The rejection of claim 19 is also respectfully traversed. This claim recites that the pickup transferring units are disposed *in* a circular area having the same radius as the disk. For the claim to be met, the units only need to be disposed within a particular area. Fig. 5B illustrates the pickup holders 21 of the pickup transferring units 20 *in* such an area, since these elements are under the disk 3.

The Examiner appears to interpret this clause as the pickup transferring units being *entirely* in the circular area. However, this is not what is claimed.

Accordingly, withdrawal of the rejection is requested.

The rejections based on Watanabe are respectfully traversed. Using independent claim 1 as an example, this claim recites the pickups being at a same radial distance from a center of the disk.

At page 3 of the Office Action, the Examiner relies upon column 7, lines 19-25 of the reference. However, this portion discusses the interval between the two different radii r_1 and r_2 . This portion states that the magnetic heads 22a and 22b scan the recording medium in this interval. However, it is noted that this interval covers a range in the radial direction. Thus, many radii are encompassed within this range. It appears that the Examiner construes this single interval to correspond to a single radial distance, however, many radii are encompassed within this interval.

As previously noted, the magnetic heads 22a and 22b are at different radii r_1 , r_2 . Watanabe, Fig. 1. The Examiner responds by stating that columns 2-8 of the reference disclose testing on the same radius. However, columns 2-8 refer to the prior art. Thus, the Examiner proposes modifying the invention of Watanabe to include features of the prior art disclosed therein. Such a modification would not have been obvious, since the reference specifically teaches that the magnetic heads having the same radius r "cannot be adopted." Thus, the reference itself teaches away from using same radii in connection with the invention disclosed therein.

The remaining references do not overcome these deficiencies.

Accordingly, withdrawal of the rejection is requested.

New claim 41 recites the pickups read the data but do not record data. In contrast, the magnetic heads 22a, 22b of Watanabe read and record.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


Serial No. 10/616,035

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8-18-06

By: 
Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501